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10/528,195	10/28/2005	Detlef Baranski	021500-135	7014
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EXAMINER KARACSONY, ROBERT				
ART UNIT 2821		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary

Application No.

10/528,195

Applicant(s)

BARANSKI, DETLEF

Examiner

ROBERT KARACSONY

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to amendments received June 08, 2009. Claims 1-20 are pending.

Claim Objections

2. Claim 1 is objected to because of the following informalities:
3. In line 7, claim 1, the limitation "contacting in contact areas" is confusing. The Examiner suggests the following limitation "feeding contact areas."
4. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8, 12-17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by *Puente Baliarda et al.* (WO 01/82410, hereinafter *Puente Baliarda*).

Claim 1: *Puente Baliarda* (figure 5) teaches an antenna pane comprising at least one glass pane (11) and at least one electrically conductive coating (12) which is subdivided by barrier lines into a number of electrically isolated segments (10), on the antenna pane the coating incorporates at least one strip-like segmented surface portion in which the distance between the barrier lines is so small that the coating there can transmit HF radiation in a specified frequency range (Abstract), wherein the segmented surface portion is, by contacting in contact areas at its two longitudinal sides and by its outer dimensions, constructed as a slot antenna for

electromagnetic radiation in the range of frequencies which the segmented surface portion can transmit (Abstract).

Claim 2: *Puente Baliarda* teaches the barrier lines within the segmented surface portion form a linear or lattice raster with a constant raster unit size (fig. 15).

Claim 3: *Puente Baliarda* teaches the barrier lines within the segmented surface portion form a raster with a variable raster unit size, variable barrier line width or variable raster form (fig. 15).

Claim 4: *Puente Baliarda* teaches the barrier lines within the segmented surface portion have at least partly a non-rectilinear form (fig. 5).

Claim 5: *Puente Baliarda* teaches the segmented surface portion is constructed as a slot antenna for VHF range (Abstract).

Claim 6: *Puente Baliarda* teaches in a part of the segmented surface portion a raster which can transmit frequencies above the VHF range and is finer than in other areas of the segmented surface portion is provided and in that at least one antenna for frequencies above the VHF range is arranged in this part (fig. 5, Abstract).

Claim 7: *Puente Baliarda* teaches the segmented surface portion in an area in which it is contacted as a slot antenna incorporates a constriction which reduces a width of the segmented surface portion (fig. 5).

Claim 8: *Puente Baliarda* teaches the constriction comprises a strip-like portion of the coating, the strip-like portion projects into the segmented surface portion and is constructed as an antenna for a frequency range above a reception range of the slot antenna (Abstract).

Claims 12 and 19 are considered a suggested use limitation and are not given any patentable weight. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex Parte Masham*, 2 USPQ F.2d 1647 (1987).

Claims 13 and 20: *Puente Baliarda* teaches the segmented surface portion is surrounded on all sides by the electrically conductive coating (fig. 5).

Claim 14: *Puente Baliarda* teaches the non-rectilinear form is one of an undulating, curved, zigzagged and fractal form (fig. 5).

Claim 15: *Puente Baliarda* teaches the barrier lines within the segmented surface portion have at least partly a non-rectilinear form (fig. 5).

Claim 16: *Puente Baliarda* teaches the segmented surface portion is constructed as a slot antenna for VHF range (Abstract).

Claim 17: *Puente Baliarda* teaches the segmented surface portion in an area in which it is contacted as a slot antenna incorporates a constriction which reduces a width of the segmented surface portion (fig. 5).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Puente Baliarda* in view of *Walton et al.* (US 5,355,144, hereinafter *Walton*) and *Paulus et al.* (US 5,898,407, hereinafter *Paulus*).

Claims 9, 10 and 18: *Puente Baliarda* teaches all of the limitations of claim 1, as discussed above, however, fails to teach the barrier lines are first barrier lines, and wherein the coating incorporates a heatable area electrically isolated from an area of the coating adjacent to the segmented surface portion by at least one second barrier line and provided with bus bars. However, *Walton* teaches providing bus bars at opposite ends of the windshield to utilize the metal film as a defroster (col. 8/lines 10-17). *Paulus* teaches a slot antenna comprised of a metal coating, which incorporates a separate heating element comprising bus bars and additional heating elements (fig. 9, col. 9/lines 25-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of *Walton* and *Paulus* with the invention of *Puente Baliarda* in order to have used the metal film as a defroster.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Puente Baliarda* in view of *Walton*, *Paulus* and *Murakami et al.* (US 5,307,076, hereinafter *Murakami*).

Claim 11: The modified invention of *Puente Baliarda* teaches all of the limitations of claim 2, as discussed above, however, fails to teach the heatable area is wired as an antenna for VHF and/or AM range. However, *Murakami* teaches the use of using the defroster as an AM antenna (col. 1/lines 57-61). Since it was well known to one having ordinary skill in the art at the time the invention was made to receive AM signals in automobiles, it would have been obvious to have utilized the heating elements of the combined invention of *Puente Baliarda* as antennas, as taught by *Murakami*, in order to have received AM signals.

Response to Arguments

10. Applicant's arguments filed June 08, 2009 have been fully considered but they are not persuasive.
11. Regarding the arguments on page 10, paragraphs 1-3, the Examiner respectfully disagrees with Applicant. Specifically, the Applicant submit that "it is a segmented strip-like portion of a coating, not a portion of a pane that is free of coating, that acts as a slot antenna," see lines 1-2, paragraph 3. The Examiner notes that in a slot antenna, the surface currents induced on the conductive coating that makes up the slot antenna contributes to the radiation of electromagnetic energy radiated by the antenna. Therefore, the Examiner interprets the slot antenna shown in figure 5 of *Puenta Baliarda* to read on the claimed limitations.
12. Regarding the arguments on page 11, paragraph 1, that "the *Puenta Baliarda* antenna does not include a segmented surface portion of a coating contacted in contact areas at two longitudinal sides," the Examiner respectfully disagrees with Applicant. The Examiner concedes that the structure of the antenna of *Puenta Baliarda* and that of the instant invention are different. However, the claimed invention is broad enough that it encompasses the antenna structure of *Puenta Baliarda*. The Examiner notes that the feed line of *Puenta Baliarda*, as shown in figure 5, is contacting the coating at the tip of two longitudinal sides of the triangle that makes up the antenna. To put it another way, two of the adjacent longitudinal sides of the triangle that makes up the antenna share a same end point. Therefore, since the feed line is in contact with an endpoint of two adjacent longitudinal sides of the triangle, the Examiner interprets it as being "contact[ed] in contact areas at its two longitudinal sides."

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT KARACSONY whose telephone number is (571)270-1268. The examiner can normally be reached on M-F 7:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Owens can be reached on 571-272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. K./
Examiner, Art Unit 2821

/Hoang V Nguyen/
Primary Examiner, Art Unit 2821